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BY ECF

The Honorable Paul A. Engelmayer
United States District Judge
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: D.J.C.V. et al. v. United States, No. 20-cv-5747 (PAE)

Dear Judge Engelmayer:

We write on behalf of the Center for Justice & Accountability (“CJA”), Human Rights Watch (“HRW”), the Center for Victims of Torture (“CVT”), Manfred Nowak and Juan E. Mendez (together, “Proposed Amici”), who request leave to participate as *amici curiae* in this matter in support of Plaintiffs, urging denial of the government’s motion to dismiss.

Proposed Amici are human rights organizations and individual human rights experts:

- CJA is a U.S.-based human rights organization dedicated to deterring torture, crimes against humanity, extrajudicial killings, and other serious human rights abuses. Through high-impact litigation, CJA holds perpetrators of abuses accountable and seeks truth, justice, and redress for survivors. Since its founding in 1998, CJA has worked to advance the rights of survivors, and has represented survivor-plaintiffs in numerous lawsuits filed in federal courts, including for torture and crimes against humanity.
- HRW is a non-profit, independent organization that investigates allegations of human rights violations in more than 90 countries around the world, including in the United States, by interviewing witnesses, gathering information from a variety of sources, and issuing detailed reports. Where human rights violations have been found, HRW advocates for the enforcement of those rights with governments and international organizations and mobilizes public pressure for change.
- CVT is the oldest and largest torture survivor rehabilitation center in the United States and one of the two largest in the world. Through programs operating in the United States, the Middle East, and Africa—involving psychologists, social workers, physical therapists, physicians, psychiatrists, and nurses—CVT



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annually rebuilds the lives of nearly 30,000 primary and secondary survivors, including children. CVT also conducts research, training, and advocacy, with each of those programs rooted in CVT's healing services. The organization's legal and policy advocacy leverages the expertise of five stakeholder groups: survivors, clinicians, human rights lawyers, operational and humanitarian aid providers, and foreign policy experts. The vast majority of CVT's clients in the United States are asylum seekers.

- Manfred Nowak served as the U.N. Special Rapporteur on Torture from 2004 to 2010. He is currently Professor of International Law and Human Rights at Vienna University, Co-Director of the Ludwig Boltzmann Institute of Human Rights, and Vice-Chair of the European Union Agency for Fundamental Rights (Vienna). He served as the U.N. Expert on Enforced Disappearances from 1993 to 2006 and a Judge at the Human Rights Chamber of Bosnia and Herzegovina in Sarajevo from 1996 to 2003. Professor Nowak has written extensively on the subject of torture.
- Juan E. Méndez is a Professor of Human Rights Law in Residence at the American University – Washington College of Law, where he serves also as Faculty Director of the Anti-Torture Initiative. He was the U.N. Special Rapporteur on Torture between November 2010 and October 31, 2016. In early 2017, Professor Méndez was elected Commissioner of the International Commission of Jurists, Geneva, Switzerland. He was an advisor on crime prevention to the Prosecutor, International Criminal Court from 2009 to 2011 and Co-Chair of the Human Rights Institute of the International Bar Association in 2010 and 2011. Until May 2009 he was the President of the International Center for Transitional Justice ("ICTJ"). Concurrent with his duties at ICTJ, he was named by the Honorable Kofi Annan as Special Advisor on the Prevention of Genocide, a position he held from 2004 to 2007.

Proposed Amici recognize the importance of promoting accountability for violations of international law, including human rights violations, and they have deep experience advocating for the right to a remedy on the part of victims of human rights violations. Because rights without remedies are of little value, Proposed Amici wish to submit a brief that addresses the significance of the right to a remedy under international law. In light of the international norms raised by Plaintiffs' claims, Proposed Amici believe their submission would assist the Court, particularly given the government's arguments regarding sovereign immunity. See *Auto. Club of New York, Inc. v. Port Auth. Of New York & New Jersey*, No. 11-cv-6746 (RJH), 2011 WL 5865296, at *2 (S.D.N.Y. Nov. 22, 2011) ("An Amicus brief should normally be allowed . . . when the amicus has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide.") (internal quotation omitted).

Based on the foregoing and pursuant to the Court's December 8, 2020 Order (Dkt. No. 31), Proposed Amici request leave to participate in this matter as *amici curiae*. Proposed Amici



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are filing, with this letter motion, their proposed *amicus* brief. No party or counsel for a party authored the brief in whole or in part, and no party, counsel for a party, or person other than amici or their counsel made any monetary contribution intended to fund the preparation or submission of this brief.

The government takes no position on this application. Plaintiffs consent.

Respectfully submitted,

/s/ Joshua Colangelo-Bryan
Joshua Colangelo-Bryan

cc: Counsel of record (via ECF)

Granted. SO ORDERED.

A handwritten signature in blue ink that reads 'Paul A. Engelmayer'. The signature is written over a horizontal line.

PAUL A. ENGELMAYER
United States District Judge
12/23/2020